

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IRMA MARQUEZ,

-vs-

Index No. 08 CV 4903

(J. Robinson)

THE CITY OF YONKERS, ET. AL.,

STATE OF NEW YORK )  
COUNTY OF NEW YORK )

ss.

Undersigned deponent, being duly sworn deposes and says that said deponent is not a party to this action, is over the age of eighteen years and resides in the State of New York. Deponent served the within process as follows:

**PROCESS SERVED:** SUMMONS, JURY TRIAL DEMAND and COMPLAINT

**PARTY SERVED:** DEPUTY CHIEF EDWARD GEISS

**LOCATION OF SERVICE:** 104 South Broadway, 3<sup>rd</sup> Floor  
Yonkers, NY 10701

**PARTY ACCEPTING SERVICE:** Deputy Chief Edward Geiss  
**DATE OF SERVICE:** 6/23/08 **TIME OF SERVICE:** 10:37 a.m.


An approximate description of the person served with process listed herein:

**SEX:** M **SKIN COLOR:** White **HAIR:** Blond **AGE:** 47 **HEIGHT:** 5'9"  
**WEIGHT:** 176 **OTHER FEATURES:**

Deponent further states that the within process was served in the following manner:

By delivering a true copy of each to said defendant personally, at the address given above.  
Deponent knew the person served to be the person described as said person therein.

At the time of service, deponent asked the defendant if he was in the military service of this state or nation or any other nation, and he responded in the negative.

  
ERIC AVERBACH  
NYC Lic. #918927

SWORN TO BEFORE ME ON

6/26/2008

  
GARY T. CERTAIN, ESQ.

Notary Public, State of New York  
No. 02CE5088144

Qualified in New York County  
Commission Expires 11/17/2009

AO 440 (Rev. 8/01) Summons in a Civil Action

## RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <b>6/23/08</b>
NAME OF SERVER (PRINT) <b>Eric Averbach</b>	TITLE <b>Process Server</b>

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served: **Yonkers Police Department: 104 South Broadway, 3rd Floor Yonkers, NY 10701**

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☐ Other (specify):

## STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00 + \$ 40.00
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## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on **6/26/08**

Date

Signature of Server

**2144 Rockefeller Center NY, NY**  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

SUMMONS IN A CIVIL ACTION

IRMA MARQUEZ

V

CASE NUMBER: 08 CV 4203

JUDAS WATSON

THE CITY OF YONKERS, CITY OF  
YONKERS POLICE DEPARTMENT,  
POLICE OFFICER WAYNE SYMOES,  
POLICE OFFICER STEPHEN WALLIN,  
POLICE OFFICER JOHN LIBERATORE,  
POLICE OFFICER TODD MENDELSON,  
DEPUTY CHIEF EDWARD GEISS,  
DETECTIVE JAMES J. McCABE, POLICE  
OFFICER RANCE HOWARD, POLICE  
OFFICER INTERVALLE, POLICE  
OFFICER ESTEVEZ,

TO: DEPUTY CHIEF EDWARD GEISS  
c/o CITY OF YONKERS POLICE DEPARTMENT  
104 SOUTH BROADWAY  
YONKERS, NEW YORK 10701

**YOU ARE HEREBY SUMMONED** and required to serve on Plaintiff's Counsel, Certain & Zilberg, PLLC 535 Fifth Avenue, New York, New York 10017.

an answer to the complaint which is served on you with this summons, within \_\_\_\_\_ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON  
CLERK

MAY 28 2008  
DATE

Catherine Lapsley  
(By) DEPUTY CLERK